

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
CASE NO.: 3:23-2446-MGL

NICHOLAS HENDERSON,

Plaintiff,

Vs.

RENITA HAILEY, AS AGENT OF THE  
UNITED STATES POSTAL SERVICE,  
AND THE UNITED STATES POSTAL  
SERVICE,

Defendants.

**COMPLAINT  
(JURY TRIAL DEMANDED)**

**COMPLAINT**

COMES NOW, Nicholas Henderson, hereinafter known as Plaintiff, and files his Tort Claims Act Complaint against United States Postal Service for torturous acts committed by Renita Hailey, as more fully set forth herein:

**PARTIES, JURISDICTION AND VENUE**

1. At all times relevant to this Complaint Plaintiff Nicholas Henderson was a citizen resident of the state of South Carolina and resided in Lexington County, South Carolina.

2. Upon information and belief, the United States is a proper defendant under the provisions of 28 U.S.C. 1346 (the Federal Tort Claims Act), hereinafter referred to as the FTCA. Pursuant to the FTCA, the United States is subject to suit "for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred."

3. The Plaintiff through his undersigned Counsel filed a Form 95 on or about January 14, 2022, the USPS was provided with a Form 95 for the benefit of Nicholas Henderson. On March 22, 2022, the Defendant acknowledged receipt of the Form 95. Plaintiff is required to wait six months before taking any further action so as to allow the Defendant to accept or reject the Form 95. More than six months have passed since the receipt of the Form 95 by Defendant and the Plaintiff has received no response from the Defendant.

4. This court has jurisdiction of the matter pursuant to 28 U.S.C. 1346(b)(1).

5. The acts and omissions which are the subject of this complaint occurred in the District of South Carolina, in Lexington County, South Carolina.

### **FACTUAL ALLEGATIONS**

6. On October 25, 2021, Plaintiff, Nicholas Henderson, was operating his bicycle on Woodtrail Drive in Gaston, South Carolina on his way to work.

7. While crossing over Havenwood Drive, in Gaston, South Carolina, Plaintiff was struck by Defendant Renita Hailey, who disregarded a stop sign.

8. At the time of the incident, Defendant Hailey was in the scope of her employment and was operating a United States Postal Service truck.

9. As a result of this incident, Plaintiff suffered injuries to his right shoulder, right sided hearing loss and visible scrapes, scratches, and bruises to his body.

10. After the incident, Plaintiff sought medical care and ultimately had a right shoulder arthroscopy.

11. As a result of the injury, Plaintiff has and will in the future suffer pain and suffering, emotional distress, anxiety, fear, loss of enjoyment of life, disfigurement, permanent

impairment, has and will in the future suffer medical expenses for his medical care, has and will in the future suffer lost wages as a result of the injuries and damages sustained, has and will in the future suffer loss of quality of life, has and will in the future suffer loss of enjoyment of life, and has and will in the future suffer permanent impairment and for such other damages that may be proven at the trial in this matter.

**FIRST CAUSE OF ACTION**  
**(Negligence and/or Gross Negligence as to the United States Postal Service)**

12. Plaintiff re-alleges his previous allegations as though fully set forth herein.

13. As result of the acts and omissions of the United States Postal Service, Plaintiff has and will in the future sustain and incur medical bills, lost wages, pain, suffering, fear, anxiety, permanent impairment, loss of earning capacity, permanent loss of the enjoyment of life, permanent loss of the quality of life, the necessity of future medical care and ongoing medical expenses, and depression.

14. As a result of the acts and omissions of the United States Postal Service, Plaintiff is entitled to receive his actual damages in such amount as this court may deem just and equitable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this court Order judgment against United States Postal Service for actual damages in such an amount as this Court may determine proper, for reasonable costs associated with this action, as well as any other interest and fees to which Plaintiff and/or Plaintiff's counsel may otherwise be entitled, and for all other relief in law and equity which this court deems just and proper.

*<signature page to follow>*

Respectfully Submitted,

REEVES AND LYLE, LLC

s/ Paul L. Reeves

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Attorney for Plaintiff

June 1, 2023